



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office  
9721 Executive Center Drive North  
St. Petersburg, Florida 33702

April 14, 2000

Colonel Joe R. Miller  
District Engineer, Jacksonville District  
Department of the Army, Corps of Engineers  
Regulatory Division, South Permits Branch  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Dear Colonel Miller:

The National Marine Fisheries Service (NMFS) has reviewed the public notice (PN) dated March 22, 2000, regarding permit application number 200000380 (IP-DSG). The applicant, Town of Palm Beach, proposes a renourishment of approximately 10,032 feet of beach shoreline of the Atlantic Ocean at Phipps Ocean Park Beach, Palm Beach County, Florida.

The NMFS is concerned that the project may adversely affect living marine resources for which we are responsible, particularly hard bottom community. Nearshore hard bottom habitats along southeast mainland Florida may be important nursery areas for at least 34 species of reef fish, including yellowtail, lane, and gray snappers, hogfish, grunts, and french angelfish.<sup>1</sup> The project is within an area identified as Essential Fish Habitat (EFH) by the South Atlantic Fishery Management Council (SAFMC) and the NMFS for Federally managed species. As such, it is subject to the EFH consultation requirements of the 1996 amendment to the Magnuson-Stevens Fishery Conservation and Management Act. Specific fishery management plans (FMP) have been prepared for shrimp, snapper/grouper, Spanish and king mackerel, coral and coral reef communities, sargassum and spiny lobster. The NMFS has developed an applicable FMP for species of sharks that inhabit this area, such as nurse, blacktip, sandbar, lemon, and bull sharks. Essential Fish Habitat for one or more of the Federally managed species and their various life stages (eggs, larvae, juveniles, adults) could be adversely affected by the proposed action. Specifically, this area is EFH for juvenile and adult gray and schoolmaster snappers, scamp, speckled hind, yellowedge grouper, Spanish mackerel, white grunt and spiny lobster. Categories of EFH in the proposed vicinity include marine and estuarine water column, live/hard bottoms, coral and coral reefs. In addition, hermatypic coral habitat and reefs, and hard bottom habitats are defined as Habitat Areas of Particular Concern in the Fishery Management Plan Amendments by the SAFMC.

Before specific EFH Conservation Recommendations can be made, the NMFS requests additional

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<sup>1</sup>Lindeman, K.C. and D.B. Snyder. 1999. Nearshore hardbottom fishes of southeast Florida and effects of habitat burial by dredging. Fish.Bull. U.S.97:508-525.

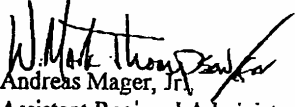


information pertaining to this project, including:

1. The PN drawings indicate Borrow Area 1 contains a sewer outfall pipe that bisects the dredge site. Although a 100-foot-buffer is proposed, how will dredging of the borrow area affect the stability of the outfall pipe? Have geophysical analyses been performed in this regard?
2. The PN drawings of Borrow Area 1 contain a shaded area at the northeast corner. What does this shaded area designate?
3. What is the buffer distance between borrow areas and adjacent hard bottom or coral reefs?
4. Are there any hard bottom or corals within Borrow Areas 1 or 2? If so, how will these areas be avoided?
5. What is the southern extent of hard bottom habitats within the beach fill area? The PN drawings indicate Monuments R-116 and 117 contain hard bottom, but are hard bottoms present in areas south of R-117?
6. The PN drawings refer to Palm Beach County Dept. of Environmental Resource Management maps. More detailed maps of hard bottom and coral habitats may exist and would assist us in our analysis of impacts from this project. Please provide more detailed benthic maps should they be available.
7. Information provided indicates that a mitigation ratio of 1:1 will be provided in the form of an artificial reef. In addition to direct loss of hard bottom habitat due to burial, certain temporal losses to fishery habitat will result from the proposed project. How are these temporal losses to hard bottom habitat being compensated?

In view of the above, we recommend that the Department of the Army authorization of the project be held in abeyance until the applicant provides the additional information requested above. Upon receipt and review, we will provide you with EFH Conservation Recommendations for the project. If we can be of further assistance, please advise. Related comments, questions or correspondence should be directed to Mr. Michael R. Johnson in Miami, Florida, at 305-595-8352.

Sincerely,

  
Andreas Mager, Jr.  
Assistant Regional Administrator  
Habitat Conservation Division